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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 18 November 2011 from the Permanent Mission of Chile to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Chile to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to refer to note verbale SCA/4/11 (01) of 7 February 2011, requesting information concerning the application of the provisions of that resolution.

In that connection, the Permanent Mission of Chile has the honour to transmit the attached report on the steps it has taken to implement resolution 1718 (2006) (see annex).

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Annex to the note verbale dated 18 November 2011 from the Permanent Mission of Chile to the United Nations addressed to the Chair of the Committee

Report of the Republic of Chile, submitted pursuant to paragraph 11 of Security Council resolution 1718 (2006)

The Republic of Chile has the honour to report, as a Member of the United Nations, that it is in full compliance with the resolutions adopted by the Security Council, and, in accordance with Article 25 of the Charter of the United Nations, such resolutions are binding for the whole country. Accordingly, the Republic of Chile has decided to impose throughout its territory a cessation of all relations involving technical or commercial cooperation with the Democratic People's Republic of Korea.

It is worth noting in that connection that article 5 of the Constitution of Chile establishes, inter alia, that the organs of the State have the duty to comply with international treaties ratified by Chile and currently in force.

From a legal perspective, if resolutions of the Security Council call for coercive measures applicable for the country as a whole, they must first be incorporated into Chile's domestic law. An authorized copy of Security Council resolution 1718 (2006) is therefore included in its entirety in Supreme Decree No. 366 of 9 November 2006, published in the Official Gazette of 20 June 2007, which sets forth the decision of the Government of Chile to comply strictly and faithfully with the resolution and explicitly requires all authorities and organs of the State to ensure full compliance with its provisions in their respective spheres of activity.

We also wish to inform you that Act No. 17,798 on control of arms and similar items, as amended by Act No. 29,014 of 13 May 2005 and its accompanying implementing regulations, approved by means of Supreme Decree MDN SSG Depto. III No. 83 of 22 February 2007, are in full force and effect. This act regulates all the materials specified in paragraph 8, subparagraphs (a) (i) and (a) (ii) of resolution 1718 (2006), and assigns to the General Directorate for National Mobilization the primary responsibility for oversight and monitoring of firearms, explosives, pyrotechnic devices and similar items.

In addition, the Advisory Committee of the Ministry of National Defence on Export of Firearms and Materiel, established pursuant to Supreme Decree S.S.G. DEPTO. II No. 80 of 21 December 1991, assesses the security aspects of all requests submitted by companies, through the General Directorate for National Mobilization, for licences to export materials or equipment that could be used for military purposes, and has the authority to deny such licences. A subsequent Supreme Decree, MDN.SS.FF.AA. (G) Depto II/As No. 196 of 2010, amended Supreme Decree No. 80 in respect of the membership of the Committee, which comprises the Under-Secretary for Defence, the Under-Secretary for the Armed Forces, the Under-Secretary for Foreign Affairs, the Vice-Chairman of the Joint Chiefs of Staff and the Director-General of the Directorate for National Mobilization.

The basic document used by the Ministry of National Defence to guide the above activities is the "List of countries to which the sale of materials for possible military use is prohibited and the supply or transfer of such materials is restricted", which is drawn up by the Ministry of Foreign Affairs and distributed to the authorities expressly designated to deal with the matter. The list is updated regularly in the light of relevant provisions contained in resolutions of the Security Council.

With regard to subparagraph (a), Chile has not and will not sell or transfer any materials or equipment that could be used for military purposes, nor does it maintain relations of any kind with companies, enterprises or persons supplying or selling the materials specified in the list of items, materials, equipment, goods and technology related to nuclear programmes (S/2006/814) or the list of items, materials, equipment, goods and technology related to other weapons of mass destruction programmes (S/2006/853).

With reference to subparagraph (b), the items referred to therein are not being procured and will not be procured from the Democratic People's Republic of Korea, and safeguards have been put in place to ensure that no Chilean nationals take part in the procurement or sale of such items, either directly or indirectly through third parties.

With reference to subparagraph (c), no training, service or assistance related to the supply, manufacture or maintenance of the items mentioned in subparagraphs (a) (i) and (a) (ii) is being provided.